

Notice of Allowability	Application No.	Applicant(s)	
	09/854,556	TANIOKA, TAKAHIRO	
	Examiner	Art Unit	
	Firmin Backer	3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to May 4th, 2005.
2. ☒ The allowed claim(s) is/are 3-6, 8-11, 17 and 22-25.
3. ☒ The drawings filed on 15 May 2001 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

Firmin Backer
 Firmin Backer
 Primary Examiner
 Art Unit: 3621

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 4th, 2005 has been entered.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Frederick E. Cooperrider on October 4th, 2005.

The application has been amended as follows:

Claim 17, delete "**A signal bearing medium**" insert "**A storage medium**"

Allowable Subject Matter

3. Claims 3-6, 8-11, 17 and 22-25 allowed.

4. The following is an examiner's statement of reasons for allowance:

Applicant disclosed an invention wherein a collection/delivery server dives and send processing task requested from a customer terminal so as to be executed in an external user terminal connected via a network. Applicant's invention is novel and innovative in the sense that a license application provides each user terminal with license for using a user application as a

Art Unit: 3621

value for executing the processing unit the license indicating an agreement that user application can be executed by the user terminal as a value for executing the processing unit instead of paying a predetermined license fee. The closest prior art Susuki et al (U.S. Patent No. 6,385,636) provide a distributed processing system including one or more client and server nodes communicating each other, processing load measuring means for measuring the processing load of the server node, response means responsive to the measured processing load of the server node for returning at least the response signal which causes the predetermined task to be executed to each of the client nodes which requested the predetermined task, program transfer means for transferring the program for the predetermined task to each of the client nodes when causing each of the client nodes requesting the predetermined task to execute the predetermined task, and process executing means for executing the predetermined task and sending the result of execution to each of the client nodes when not causing each of the client nodes requesting the predetermined task to execute the predetermined task. Susuki et al fail to teach a license application provides each user terminal with a license for using a user application as a value for executing the processing unit the license indicating an agreement that user application can be executed by the user terminal as a value for executing the processing unit instead of paying a predetermined license fee.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

Art Unit: 3621

fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

b. *Vardi (U.S. PG Pub. No. 20040249763) disclosed that Software vendors providing software that runs on a computer system having a variable capacity face additional shortcomings. From an accounting point of view, software vendors need a guaranteed revenue stream from their software. While licensing fees relating to a fixed capacity of a computer system are guaranteed and can be realized immediately, fees associated with variable capacity are not, since future use is not assured. Thus, a portion of the software vendor's revenue stream is not immediately recognizable by the software vendor.*

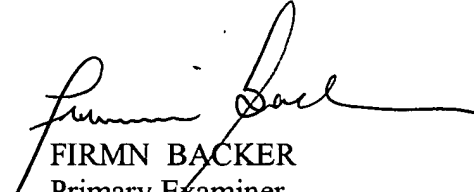
c. *ARNOLD et al (WO 9944121A) teach a system dynamically downloads code on compute server and executes code on it and returns results to calling client method. This technique does not requires multiple copies of code to be downloaded nor compiled since the server code can be executed on all the different systems. The system code is generally compiled locally on the client and downloaded to the server as byte-code and then executed.*

Art Unit: 3621

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FIRMN BACKER whose telephone number is 571-272-6703. The examiner can normally be reached on Monday - Thursday 9:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (571) 272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


FIRMN BACKER
Primary Examiner
Art Unit 3621

October 17, 2005